

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION**

UNITED STATES OF AMERICA	*	Crim. no. 1:11-cr-00424-JG-4
	*	
Plaintiff,	*	Hon. John Gleeson
	*	
-v-	*	
	*	
JAMES ROSEMOND,	*	AFFIDAVIT OF
	*	JAMES ROSEMOND
	*	
Defendant.	*	

David A. Bythewood, an attorney licensed to practice law in the United States District Court Eastern District of New York, makes this affirmation under the penalties of perjury.

1. I am the attorney for James Rosemond and make this affirmation in that capacity.
2. Pursuant to what I understood to be the court's desire, several months ago I wrote to Gerald Shargel advising him that I and the court would like to know why he did not call the witnesses requested by the defendant and why neither he nor Kramer testified.
3. As of this date there has been no response from Mr. Shargel.

Dated: September 6, 2013

/s/

David A. Bythewood, Esq.